

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

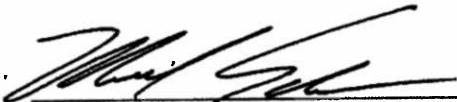
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IN RE BANK OF AMERICA CORP. : Master File No. 09 MDL 2058 (DC)
SECURITIES, DERIVATIVE, AND :
EMPLOYMENT RETIREMENT INCOME : ECF CASE
SECURITY ACT (ERISA) LITIGATION :
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This Document Relates to: :
:
Derivative Action, 09 CV 808 (DC) :
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**JOINT NOTICE OF MOTION OF DEFENDANTS PETER STINGI
AND MICHAEL ROSS TO DISMISS THE CONSOLIDATED
SHAREHOLDER DERIVATIVE COMPLAINT AGAINST THEM**

PLEASE TAKE NOTICE that, upon the Joint Memorandum of Law in Support of the Motion of Defendants Peter Stingi and Michael Ross to Dismiss the Consolidated Shareholder Derivative Complaint Against Them and all prior papers and proceedings herein, Defendants Peter Stingi and Michael Ross will move this Court, before the Honorable Denny Chin, United States District Judge, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, on a date and at a time designated by the Court, for an Order: (a) dismissing the Consolidated Shareholder Derivative and Class Action Complaint against them with prejudice pursuant to Federal Rules of Civil Procedure 8, 9(b), and 12(b)(6) and the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4(b); and (b) for such other and further relief as this Court may deem just and proper.

Dated: December 8, 2009
New York, New York

WILLKIE FARR & GALLAGHER LLP

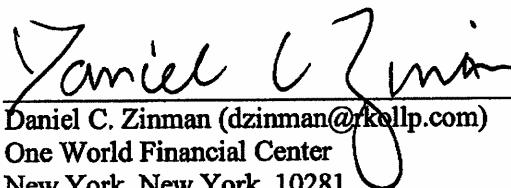


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Respectfully submitted,

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